

Before the
Federal Communications Commission
 Washington, D C 20554

DEC 8 6 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
 Amendment of Section 73.202(b),) MB Docket No. 02-335
 Table of Allotments,) RM-10545
)
 FM Broadcast Stations.)
 (Hart, Pentwater and)
 Coopersville, Michigan))

ORIGINAL

To: Assistant Chief, Audio Division, Media Bureau

JOINT COMMENTS

Waters Broadcasting Corporation ("Waters") and Synergy Media, Inc ("Synergy") (jointly, "Petitioners") herein submit their comments in support of their proposal set forth in the *Notice of Proposed Rule Making*, DA 02-2721 (released November 8, 2002) ("*NPRM*")¹

Petitioners herein reiterate their commitment to file applications for the allotments proposed. More specifically, if the Petitioners' proposal is adopted, Waters will file an application for a construction permit to modify the facilities of Station WCXT to operate on Channel 287B at

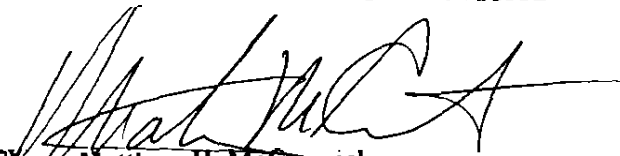
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 LNA/BCOE

¹ The Petitioners wish to note two potentially confusing typographical errors in the *NPRM*: First, the first full sentence on page 2 states, "Petitioners have proposed reallocation of WCXT, Channel 231C3 from Pentwater to Hart." Of course, it is Station **WWKR**, Channel 231C3, that is proposed to be reallocated from Pentwater to Hart. Second, the first sentence in Paragraph 3 on page 2 of the *NPRM* states: "[R]eallocation of Channel 287B from Hart to Coopersville could provide a first local service to the community of Hart." In fact, the reallocation of Channel 287B would provide a first local service to the community of Coopersville.

Coopersville, Michigan. Likewise, Synergy shall file an application to modify the facilities of Station WWKR to operate on Channel 231C3 at Hart, Michigan.'

WHEREFORE, in light of all circumstances present, the Commission should promptly adopt the Petitioners' proposal.

WATERS BROADCASTING CORPORATION

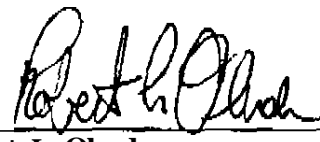

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December 26, 2002

² This modification, however, does not require a change in the technical facilities of Station WWKR. A minor question regarding distance separation exists with respect to the reallocation of Channel 231C3, used by Station WWKR from Pentwater to Hart, Michigan. Station WBYB(FM), Leland, Michigan, Channel 232C2, pursuant to § 73.215 of the Rules, operates from a site closer to the present WWKR site than the distance specified in § 73.207. Nonetheless, the proposed allotment of Channel 231C3 to Hart at the current WWKR site is fully spaced to the Channel 232C2 allotment at Leland, the reference point of which is NL 44-54-48, WL 85-49-18. The fact Synergy seeks to change its community of license should not and does not relieve Station WBYB of the obligation it assumed under Section 73.215 to protect WWKR. ~~Of an~~ abundance of caution, Petitioners note that an open area exists in which a reference point could be specified for Channel 231C3 at Hart (e.g., NL 43-49-16, WL 86-22-46) that would meet all § 73.207 spacing requirements vis-à-vis the site presently used in the operation of Station WBYB on channel 232C2. See Figures 1.0 through 3.0 of the attached Engineering Report prepared by Munn-Reese, Inc.

ENGINEERING REPORT

**Supplemental Showings
on behalf of the
Petition for Rulemaking**

DA No. 02-2721 / MB Docket No. 02-335 / RM-10545

**Coopersville, MI
Hart, MI
Pentwater, MI**

December. 2002

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Broadcast Engineering Consultants
Coldwater, MI 49036

TABLE OF CONTENTS

1. Discussion of Supplemental Showing
2. Certification of Engineers
3. Figure 1.0 – Tabulation of Allocation for Channel 231C3 Special Reference Point
4. Figure 2.0 – "Open Area"/City Coverage Map for Channel 23103 Special Reference Point
5. Figure 3.0 – Topographical Map Channel 231C3 Special Reference Point

ENGINEERING STATEMENT

In Support of a Petition to Amend §73.202(b)

The office of Munn-Reese, Inc. has been retained to prepare this supplemental showing in support of a petition to amend 47 C.F.R. §73.202(b), the FM Table of Allotments in DA No. 02-2721, MB Docket No. 02-335, RM-10545.

Proposed are the following amendments to the FM Table of Allotments: First, requested are reallocation of Channel 287C2, 105.3 MHz, Hart, MI to Channel 2887B, 105.3 MHz, Coopersville, MI and reservation of that allotment for the licensee of Station WCXT. A special reference point will be employed for this allotment. Second, also requested are the reallocation of Channel 231C3, 94.1 MHz, Pentwater, MI to Channel 231C3 Hart, MI and reservation of that allotment for the licensee of Station WWKR. The reference point proposed is the present WWKR site. As a result of this proposed rulemaking, Coopersville, MI will be allotted its first aural service. Hart, MI and Pentwater both will continue to have an aural service allotted to their respective communities.

A minor question regarding distance separation has been raised with respect to the reallocation of Channel 231C3, used by Station WWKR. from Pentwater to Hart, MI. Station WBYB(FM), Leland, MI, Channel 232C2, operates pursuant to § 73.215 from a site closer to the present WWKR site than the distance specified in § 73.207. Nonetheless, the proposed allotment of Channel 231C3 to Hart at the current WWKR site should be deemed to be fully spaced to the allotment of Channel 232C2 at Leland. The fact Synergy seeks to change its community of license should not and does not relieve Station WBYB of the obligation it assumed under Section 73.215 to protect WWKR.

Out of an abundance of caution, Petitioners note that an open area exists in which a reference point could be specified for Channel 231C3 at Hart (e.g., 43° 49' 16" NL, 86° 22' 46" WL) that would meet all § 73.207 spacing requirements vis-à-vis the site presently used in the operation of Station WBYB on Channel 232C2. See **Figure(s) 7.0** through **3.0** herein.

Petitioners reiterate their request that 47 C.F.R. § 73.202(b) be amended as follows:

COMMUNITY	PRESENT	PROPOSED
Coopersville, MI	---	287B
Hart, MI	287C2	231C3
Pentwater, MI	231C3, 274A, 280A	274A, 280A

MUNN-REESE, INC.
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Coldwater, MI 49036

RTIFICATION OF ENGINEERS

The firm of Munn-Reese. Inc.. Broadcast Engineering Consultants, with offices at 100 Airport Drive, Coldwater. Michigan, has been retained for the purpose of preparing the technical data forming this report.

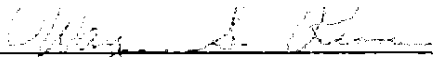
The data utilized in this report was taken from the FCC Secondary Database and data on file. While this information is believed accurate, errors or omissions in the database and file data are possible. This firm may not be held liable for damages as a result of such data errors or omissions.


The report has been prepared by properly trained electronics specialists under the direction of the undersigned whose qualifications are a matter of record before the Federal Communications Commission.

I declare under penalty of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

December 20, 2002

MUNN-REESE, INC.

By 
Wayne S. Reese, President

By 
Justin W. Asher, Project Engineer

100 Airport Drive, ~~PO~~ **Box** 220
Coldwater, Michigan 49036

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EXHIBIT 1.0

Tabulation of Proposed Allocation

REFERENCE		CLASS = C3		DISPLAY DATES	
43 49 16 N		Current	Spacings	DATA	11-30-02
86 22 46 W		Channel 231 - 94.1 MHz		SEARCH	12-01-02

Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Ant	Power	HAAT		
KUEL	DEL 231C3	Pentwater	MI	7.17	53.7	153.0 -145.83
43 51 33	86 18 77		25.000 kW	100 M		
change of community to Hart						
WWKR	LIC 231C3	Pentwater	MI	7.11	53.1	153.0 -145.83
43 51 33	86 18 27	CN	13.000 kW	141 M		
Synergy Media, Inc. BLH19950609KC						
RADD	ADD 231C3	Hart	MI	7.17	53.7	153.0 -145.83
43 51 33	86 18 27		25.000 kW	100 M		
change of Community from Pentwater.						
WDORFM	LIC 230C1	sturgeon Bay	WI	144.18	327.2	144.0 0.18
44 54 23	a7 22 15	CN	77.000 kW	198 M		
Door County B/cing Co , I BLH19801224AK						
WVIC	LIC 231B	Jackson	MI	211.28	138.2	211.0 0.28
42 23 32	84 40 00	CN	40.000 kW	168 M		
Rubber City Radio Group BLH19830711AJ						
WBYB	LIC-Z 232C2	Leland	MI	119.39	27.4	117.0 2.39
44 46 19	85 40 58	ZCN	20.500 kW	233 M		
Northern Michigan Radio, I BLH19970421KA						
WJJO	LIC 2318	Watertown	WI	233.08	249.6	211.0 22.08
43 03 32	89 03 42	CN	50.000 kW	150 M		
Mid-west Managment, Inc. BLH19890906KC						
WKAD.C	CP 229A	Harrietta	MI	81.05	50.8	42.0 39.05
44 16 41	85 35 28	CX	4.300 kW	119 M		
Cadillac Broadcasting, LLC BMPH20011024AAR						
WKLQ	LIC 233B	Holland	MI	112.47	162.4	71.0 41.47
42 51 20	81 57 45	CN	10.000 kW	152 M		
Citadel Broadcasting Compa BLH19840309AR						
WROE	LIC-Z 232C3	Neenah-menasha	WI	157.33	284.5	99.0 58.33
44 09 30	88 17 03	ZCN	13.000 kW	140 M		
Midwest Communications, In BLH19950920KB						

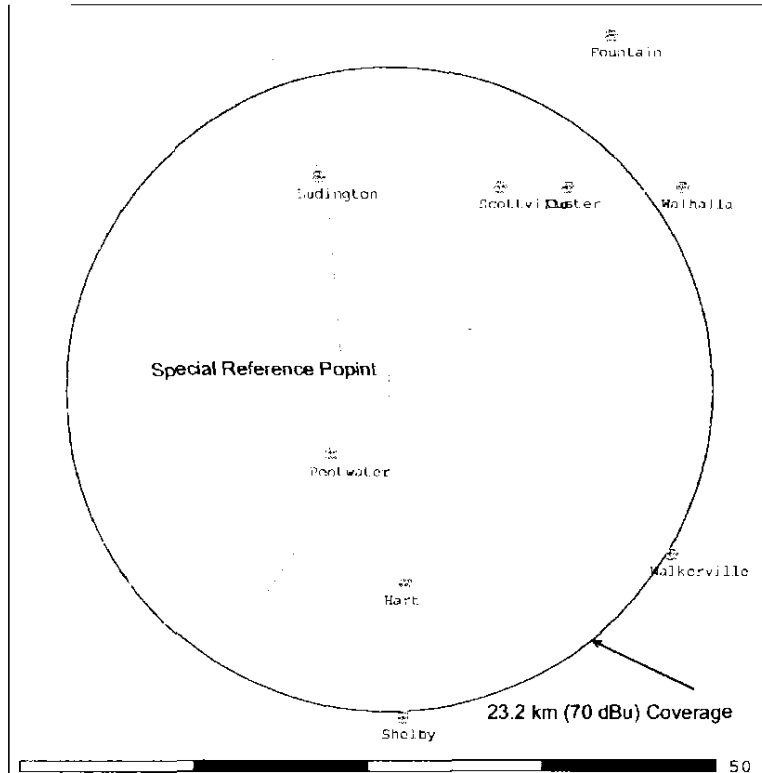
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Figure 2.0

FMCONTTM LOCATE STUDY

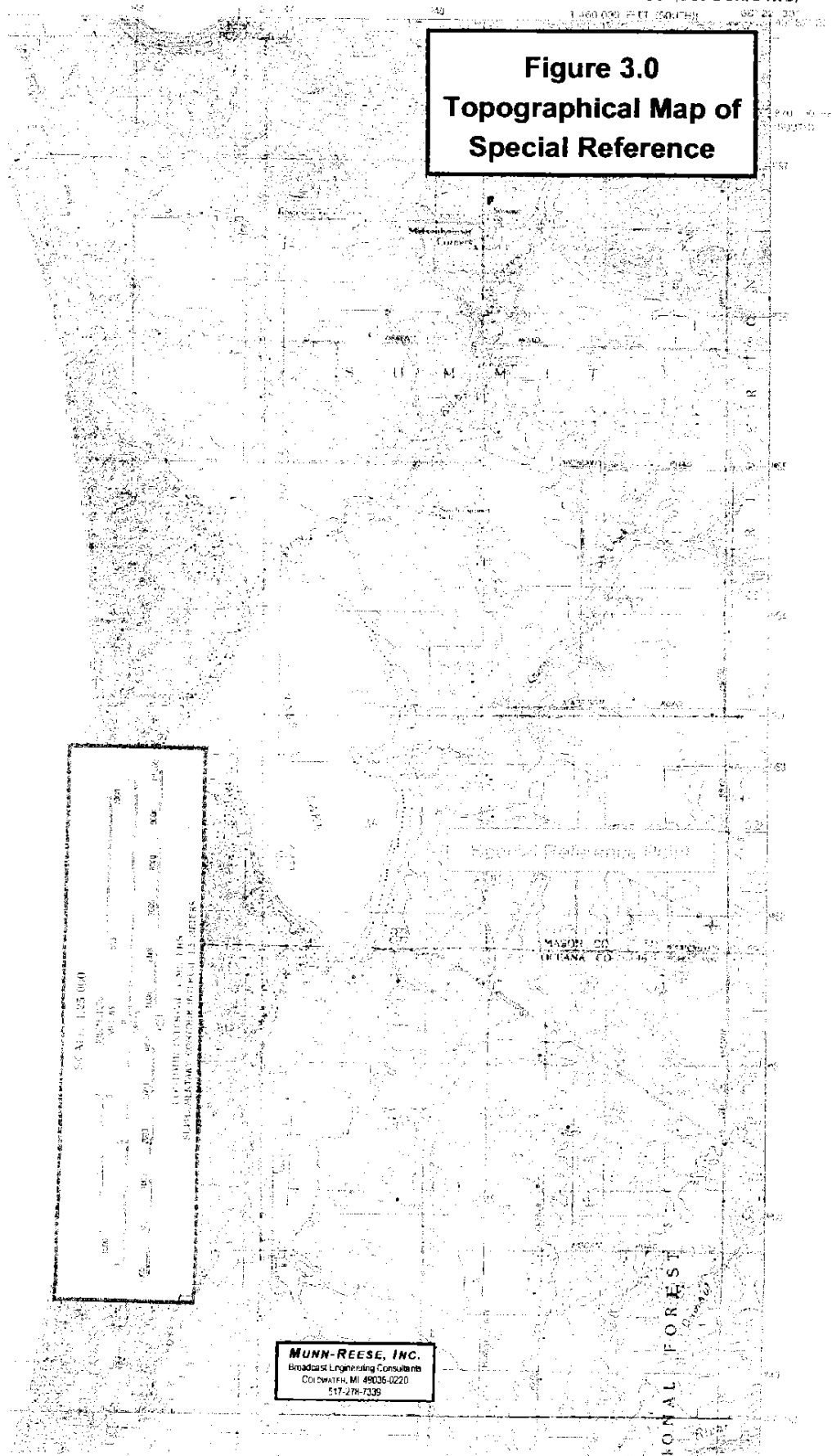
Ch 231 C3
94.1 MHz

N. Lat. 43 49 16
W. Lng. 86 22 46



Call	CH#	Type	Location	D-KM	Azi	FCC	Margin
N. Lat.	W. Lng.	Ant	Power	HAAT			
RDEL	231C3-	DEL	Pentwater	MI 7.17	53.7	153.0	-145.83
43 51 33	86 18 27		25.000 kW			100 M	
WWKR	231C3-	LIC	Pentwater	MI 7.17	53.7	153.0	-145.83
43 51 33	86 18 27	CN	13.000 kW			141 M	
RADD	231C3-	ADD	Hart	MI 7.17	53.7	153.0	-145.83
43 51 33	86 18 27		25.000 kW			100 M	
WDORFM	230C1-	LIC	Sturgeon Bay	WI 144.18	327.2	144.0	0.18
44 54 23	87 22 15	CN	77.000 kW			198 M	
WVIC	231B -	LIC	Jackson	MI 211.28	138.2	211.0	0.28
42 23 32	84 40 00	CN	40.000 kW			168 M	
WBYB	232C2-	LIC	Leland	MI 119.39	27.4	117.0	2.39
44 46 19	85 40 58	ZCN	20.500 kW			233 M	
WJJO	231B -	LIC	Watertown	WI 233.08	249.6	211.0	22.08
43 03 32	89 03 42	CN	50.000 kW			150 M	
WKAD.C	229A -	CP	Harrietta	MI 81.05	50.8	42.0	39.05
44 16 41	85 35 28	CX	4.300 kW			119 M	
WKLQ	233B -	LIC	Holland	MI 112.47	162.4	71.0	41.47
42 51 20	85 57 45	CN	50.000 kW			152 M	
WROE	232C3-	LIC	Neenah-menasha	WI 157.33	284.5	99.0	58.33
44 09 30	88 17 03	ZCN	13.000 kW			140 M	

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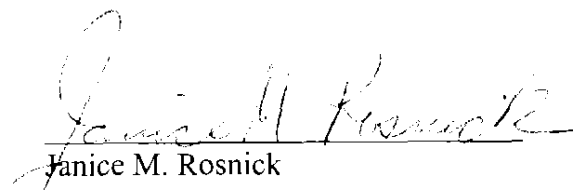


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CERTIFICATE OF SERVICE

I, Janice M. Rosnick, do hereby certify that I have on this 26th day of December, 2002, caused to be hand delivered or mailed via First Class mail, postage prepaid, copies of the foregoing **Joint Comments** to the following:

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Allocations Branch
Mass Media Bureau
Federal Communications Commission
The Portals, Room 3-A247
445 Twelfth Street, S W
Washington, DC 20554


Janice M. Rosnick

* HAND DELIVERY